



GTE Telephone Operations

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December 6, 1996

Ms. Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket Nos. ~~930173~~-TL, 930173-TL, 930235-TL, 870248-TL, 870790-TL,
900039-TL, 910022-TL, 910029-TL, 910528-TL, 910520-TL, 911185-TL,
921193-TL

Dear Ms. Bayo:

Please find enclosed for filing an original and fifteen copies of GTE Florida Incorporated's Comments in the above matters. Service has been made as indicated on the Certificate of Service. If you have any questions, please contact me at 813-483-2617.

Very truly yours,

Kimberly Caswell / tad

Kimberly Caswell

KC:tas

Enclosures

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RECORDS

A part of GTE Corporation

DOCUMENT NUMBER-DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Subscribers of the)	Docket Nos. 941281 -TL, 930173-TL,
Groveland Exchange for Extended)	930235-TL, 870248-TL,
Area Service (EAS) to the Orlando,)	870790-TL, 900039-TL,
Winter Garden, and Windermere)	910022-TL, 910029-TL,
Exchanges, etc.)	910528-TL, 910529-TL,
)	911185-TL, 921193-TL
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COMMENTS OF GTE FLORIDA INCORPORATED

GTE Florida Incorporated (GTEFL) files these comments in accordance with the Commission Staff's instructions at the workshop held in the above-referenced dockets on November 18, 1996. There were five issues presented for discussion at the workshop and for follow-up comments. The first four of those issues are specific to BellSouth. GTEFL will not comment on those items because it believes that BellSouth is in the best position to determine how the federal Telecommunications Act and Florida Statutes may apply to the operations of BellSouth and its IXC and ALEC affiliates.

GTEFL will comment on the fifth issue, which is relatively more generic and germane to GTEFL to the extent that GTEFL's customers may have need to call into BellSouth territory. That issue is:

How can EAS or ECS be implemented without violating either the Telecommunications Act of 1996 or Chapter 364, Florida Statutes?

As an initial matter, GTEFL notes that it and BellSouth are treated differently under the Telecommunications Act. GTEFL, unlike BellSouth, is free to carry interLATA traffic today.

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With regard to Florida law, Staff has raised the potential relevance of the nondiscrimination provisions—sections 364.08, 364.09, and 364.10. Depending on the circumstances of a particular EAS or ECS request, these sections could be a barrier to implementation of extended calling. The legal analysis would depend on whether the situation presented could be sufficiently distinguished from other situations in which no extended calling was granted. In other words, there must be no unreasonable discrimination between the customers afforded extended calling, on the one hand, and others who do not enjoy Commission-mandated extended calling, on the other. It is impossible to answer the discrimination question in the abstract, outside the context of a specific EAS or ECS request.

In any case, the Commission need not engage in a potentially complex analysis of Florida and federal law with regard to expanded calling implementation. In fact, GTEFL suggests that instead of focussing on EAS or ECS per se, it would be more appropriate and more productive to ask the simpler questions of how consumers' calling needs can be met under current law. As the U.S. Congress and the Florida Legislature have recognized, the best way to satisfy consumer demand for telecommunications services is to rely on marketplace forces.

GTEFL's Local Calling Plan (LCP), reflected in its tariff filed on November 8, meets this objective. GTEFL's LCP approach offers something for everyone. It includes four different optional plans, with both flat-rate and measured alternatives, to suit different calling needs and budgets. The customer can choose among Basic Calling (a reduced local access line rate and measured service for the existing local area); Community Calling

(a slightly reduced local access line rate and flat-rate calling to the home exchange); Community Plus (a relatively higher local access line rate and flat-rate calling to the home and other selected exchanges); and Premium Calling (a premium flat rate for unlimited calling to all exchanges within the current, expanded local calling area). The subscriber has the additional option of retaining his current local service.

The LCP approach avoids the difficult legal questions traditional EAS and ECS present under the new law, as well as considerations that have always been troublesome even under the old legal regime. In the context of these particular dockets, LCP can meet GTEFL's customers' needs for one-way calling into BellSouth territory. More importantly, in a general sense, LCP does not force customers to pay an additive for an expanded calling scope they may not need or want. LCP eliminates complicated, multi-step community-of-interest evaluations, which have become more difficult in recent years because the LECs no longer have the interexchange company calling data they need to complete traffic studies. Furthermore, LCP is available to customers who want toll relief, but who may not meet Commission guidelines for mandated ECS or EAS.

Mandatory EAS or ECS plans are an outdated concept. They attempt to obtain by regulatory fiat what can more efficiently and effectively be secured through market forces. GTEFL urges the Commission to reject mandated calling plans—which always make at least some subscribers unhappy—in favor of an optional LCP approach, which allows each consumer, rather than the regulator, to decide what is best for him.

Respectfully submitted on December 6, 1996.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Comments of GTE Florida Incorporated were sent by U.S. mail on December 6, 1996, to the parties listed below.

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